

Thursday, December 9, 1937 No. 238

PRESIDENT OF THE UNITED STATES.

DOMESTIC ANIMALS, TOGETHER WITH THEIR OFFSPRING,  
RETURNED TO THE UNITED STATES

By the President of the United States of America

A PROCLAMATION

WHEREAS section 318 of the Tariff Act of 1930 (46 Stat. 696; U. S. C., title 19, sec. 1318) provides:

"Whenever the President shall by proclamation declare an emergency to exist by reason of a state of war, or otherwise, he may authorize the Secretary of the Treasury to extend during the continuance of such emergency the time herein prescribed for the performance of any act \* \* \*";

AND WHEREAS subparagraph (c) of paragraph 1606 of section 201 of the said act (46 Stat. 673; U. S. C., title 19, sec. 1201, par. 1606) provides:

"Horses, mules, asses, cattle, sheep, and other domestic animals straying across the boundary line into any foreign country, or driven across such boundary line by the owner for temporary pasturage purposes only, together with their offspring, shall be dutiable unless brought back to the United States within eight months, in which case they shall be free of duty, under regulations to be prescribed by the Secretary of the Treasury."

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of section 318 of the Tariff Act of 1930, do by this proclamation declare an emergency to exist.

And I do hereby authorize the Secretary of the Treasury, under such regulations as he may prescribe, to extend the time in which horses, mules, asses, cattle, sheep, and other domestic animals, straying across the boundary line into any foreign country, or driven across such boundary line by the owner for temporary pasturage purposes only, together with their offspring, may be brought back into the United States free of duty, from eight months, as provided in subparagraph (c) of paragraph 1606 of the said act, to twelve months, if such animals are brought back on or before June 30, 1938.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 6th day of December in the year of our Lord nineteen hundred and thirty-seven, and of the Independence of the United States of America the one hundred and sixty-second.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

Secretary of State.

[No. 2262]

[F. R. Doc. 37-3558; Filed, December 8, 1937; 11:36 a. m.]

EXECUTIVE ORDER

ESTABLISHING THE SABINE MIGRATORY WATERFOWL REFUGE

Louisiana

By virtue of and pursuant to the authority vested in me as President of the United States, and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that the lands acquired or to be acquired by the United States within the following-described areas, comprising 143,110 acres, more or less, in Cameron Parish, Louisiana, surveyed or unsurveyed, be, and

they are hereby, reserved and set apart, subject to valid existing rights, for the use of the Department of Agriculture as a refuge and breeding ground for migratory birds and other wildlife: *Provided*, that any private lands within the areas described shall become a part of the refuge hereby established upon the acquisition of title thereto or lease thereof by the United States:

LOUISIANA MERIDIAN

- T. 14 S., R. 8 W.,  
secs. 2 to 11, inclusive;  
sec. 14, N $\frac{1}{2}$ ;  
sec. 15, all;  
secs. 17, 18, and 19;  
sec. 20, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , and W $\frac{1}{2}$ SE $\frac{1}{4}$ .
- T. 13 S., R. 9 W.,  
secs. 18 and 19.
- T. 14 S., R. 9 W.,  
sec. 1, all;  
secs. 11 to 17, inclusive;  
sec. 19, E $\frac{1}{2}$ ;  
sec. 20, N $\frac{1}{2}$ , SW $\frac{1}{4}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
secs. 21 to 24, inclusive, N $\frac{1}{2}$ , and N $\frac{1}{2}$ S $\frac{1}{2}$ .
- T. 13 S., R. 10 W.,  
sec. 5, W $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , and W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
secs. 6 and 7;  
sec. 8, W $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , and SE $\frac{1}{4}$ ;  
sec. 9, NW $\frac{1}{4}$ SW $\frac{1}{4}$  and S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
sec. 15, SW $\frac{1}{4}$ ;  
secs. 17 to 21, inclusive;  
sec. 22, S $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , and SE $\frac{1}{4}$ ;  
sec. 23, S $\frac{1}{2}$ N $\frac{1}{2}$  and S $\frac{1}{2}$ ;  
secs. 24 to 35, inclusive.
- T. 14 S., R. 10 W.,  
sec. 6, all.
- T. 13 S., R. 11 W., all.
- T. 14 S., R. 11 W.,  
secs. 1 to 15, inclusive, and secs. 17 and 18.
- T. 13 S., R. 12 W.,  
secs. 1 to 15, inclusive, and secs. 17 to 36, inclusive.
- T. 14 S., R. 12 W.,  
secs. 1 to 15, inclusive, and secs. 17 and 18.
- T. 13 S., R. 13 W.,  
secs. 1 to 15, inclusive, and secs. 17 to 36, inclusive.
- T. 14 S., R. 13 W.,  
secs. 1 to 15, inclusive, and secs. 17 and 18.
- T. 13 S., R. 14 W.,  
sec. 1, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
secs. 2 to 5, inclusive;  
secs. 7 to 17, inclusive;  
secs. 20 to 29, inclusive;  
secs. 32 to 36, inclusive;
- T. 14 S., R. 14 W.,  
secs. 1 to 15, inclusive;  
sec. 17, all;  
sec. 18, NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NW $\frac{1}{4}$ .
- T. 14 S., R. 15 W.,  
sec. 12, E $\frac{1}{2}$ NE $\frac{1}{4}$ .

This reservation shall be known as the Sabine Migratory Waterfowl Refuge.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

December 6, 1937.

[No. 7764]

[F. R. Doc. 37-3555; Filed, December 7, 1937; 2:12 p. m.]

EXECUTIVE ORDER

RESTORING CERTAIN LANDS TO THE CONTROL OF THE SECRETARY OF THE INTERIOR

Washington

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered as follows:

SECTION 1. The following-described lands, which were transferred by Executive Order of August 13, 1923, to the Department of the Interior for disposition under the act of July 5, 1884, ch. 214, 23 Stat. 103, and which were withdrawn by Executive Order No. 4104 of November 20, 1924, for the use of the Navy Department, are hereby restored to the control of the Secretary of the Interior for disposition

as provided by the said act of July 5, 1884, or as may be otherwise provided by law:

WILLIAMETTE MERIDIAN

T. 31 N., R. 4 W., lot 1 sec. 22, lots 1, 2 and 3 sec. 23, lots 5, 6 and 7 sec. 27, 45 acres.

SECTION 2. The said Executive Order No. 4104 of November 20, 1924, is hereby revoked as to the above-described lands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
Dec. 6, 1937.

[No. 7765]

[F. R. Doc. 37-3556; Filed, December 8, 1937; 9:54 a. m.]

## DEPARTMENT OF STATE.

### National Munitions Control Board.

#### RULES OF PROCEDURE GOVERNING THE ISSUANCE OF LICENSES FOR THE EXPORTATION OF TIN-PLATE SCRAP

DECEMBER 6, 1937.

In furtherance of the purposes of the Act of Congress approved February 15, 1936, which, as stated therein, are:

to protect, preserve, and develop domestic sources of tin, to restrain the depletion of domestic reserves of tin-bearing materials, and to lessen the present costly and dangerously dependent position of the United States with respect to resources of tin,

and in order to assure in the public interest the fair and equitable consideration referred to in Section 2 of the Act which reads as follows:

There shall not be exported from the United States after the expiration of sixty days from the enactment of this Act any tin-plate scrap, except upon license issued by the President of the United States. The President is authorized to grant licenses upon such conditions and regulations as he may find necessary to assure in the public interest fair and equitable consideration to all producers of this commodity.

The Secretary of State, acting under and by virtue of the authority vested in him by Executive Order No. 7297 of February 16, 1936, hereby prescribes, by and with the advice and consent of the National Munitions Control Board, the following rules of procedure to govern the issuance of licenses for the exportation of tin-plate scrap between January 1 and December 31, 1938, under the regulations governing the export of that commodity prescribed on December 7, 1936:

(1) *Requests for allotments.*—Each producer of tin-plate scrap who desires to export that commodity during the calendar year 1938, as well as every producer whose scrap is sold to and ultimately exported by third parties, should submit to the Secretary of State *not later than December 20, 1937*, a request for an allotment, specifying in long tons the quantity of tin-plate scrap which he desires to export or to sell for export between January 1 and December 31, 1938.

(2) *Original allotments.*—Allotments will be granted to producers of tin-plate scrap only and will be assigned on January 1, 1938, to producers whose applications have been submitted in accordance with the provisions of paragraph (1). Allotments will be based on the individual producer's request therefor with the provision that no allotment of more than 25 long tons shall exceed in amount 25 percent of the quantity of tin-plate scrap produced by him during the calendar year 1936. Requests for allotments of 25 long tons or less may be granted in full, without reference to the quantity of tin-plate scrap produced during the calendar year 1936, provided the producer concerned presents convincing evidence, in the form of a sworn statement, establishing that he will, during the calendar year 1938, produce at least the equivalent of the allotment which he requests.

(3) *Sworn statement of 1936 production.*—No producer shall be eligible to receive an allotment under the provisions of paragraph (2) until the Secretary of State has received from him a sworn statement setting forth the quantity of tin-

plate scrap, in long tons, produced by him during the calendar year 1936. Sworn statements submitted under the provisions of this paragraph shall include the name and address of the producer, the name and location of each factory, and the quantity of tin-plate scrap produced at each factory.

(4) *Apportionment of total allotments.*—In the event that it shall be necessary, in order that the quantity of tin-plate scrap to be exported during the calendar year 1938 shall not exceed the total figure to be agreed upon by the National Munitions Control Board, such total shall be apportioned among the applicants for allotments on the basis of 1936 production, with the provision that no allotment shall exceed the quantity specified in the individual producer's request therefor. If an apportionment is unnecessary, further allotments may be granted after January 1 in the order of the receipt of requests therefor until the total figure referred to has been exhausted.

(5) *Additional allotments.*—Provided the total of the allotments assigned prior to July 1, 1938, does not equal the total figure referred to in paragraph (4), additional allotments may be assigned after that date to any producer whose production of tin-plate scrap during the calendar year 1937 exceeded the quantity produced by him in 1936, provided that no allotment assigned under the provisions of this paragraph shall exceed 25 percent of the difference between the individual producer's 1936 production and the quantity produced by him in 1937, and provided further that the total allotments assigned shall not exceed the maximum authorized exports referred to under paragraph (4). Allotments granted under the provisions of this paragraph will be assigned in the order of the receipt of requests therefor.

(6) *Sworn statement of 1937 production.*—No producer shall be eligible to receive an allotment under the provisions of paragraph (5) until the Secretary of State has received from him a sworn statement setting forth the quantity of tin-plate scrap, in long tons, produced by him during the calendar year 1937. Sworn statements submitted under the provisions of this paragraph shall include the name and address of the producer, the name and location of each factory, and the quantity of tin-plate scrap produced at each factory.

(7) *Further additional allotments.*—In the event that conditions then existing shall warrant such action, further additional allotments may be granted after July 1, 1938, upon such conditions as may be agreed upon by the National Munitions Control Board and announced by the Secretary of State.

(8) *Fair and equitable consideration.*—An allotment may be granted at any time during the calendar year 1938, without regard to previous assignments of allotments, to any producer of tin-plate scrap who presents to the National Munitions Control Board, through the Secretary of State, convincing evidence that he is not receiving the fair and equitable consideration referred to in Section 2 of the Act approved February 15, 1936. Allotments assigned under the provisions of this paragraph shall be granted in such quantities as will assure in the public interest fair and equitable consideration to the producer concerned. All applications for allotments under the provisions of this paragraph shall be accompanied by sworn statements, in quintuplicate, setting forth complete and detailed information in support thereof.

(9) *Licenses.*—No tin-plate scrap may be exported unless a license authorizing such export shall have been issued by the Secretary of State. Licenses may be issued to any producer who has been assigned an allotment or to any other person or persons authorized by such producer to export tin-plate scrap under his allotment.

(10) *Licenses issued to persons other than producers of tin-plate scrap.*—Any producer who has received an allotment may, if he so desires, authorize any other person or persons to apply for license to export under his allotment tin-plate scrap produced at his factory or factories. The Department of State should be informed promptly of such authorizations

when made. Persons other than producers should, in submitting applications for license, assure themselves that an allotment has been assigned covering the particular tin-plate scrap which they desire to export and they should include, either in the application or in the transmitting letter, a statement setting forth the name and address of the factory or factories at which the tin-plate scrap was produced and the quantity produced at each factory.

As stated in paragraph (3) of the regulations governing the exportation of tin-plate scrap, the Secretary of State will issue export licenses to cover proposed shipments of tin-plate scrap when, in the opinion of the National Munitions Control Board, the issuance of such licenses may be consistent with the purposes of the Act approved February 15, 1936. The National Munitions Control Board may revoke, cancel, or modify at any time allotments or licenses granted under the procedure herein announced and may modify this procedure whenever, in its opinion, such action as required in order to carry out the purposes of the Act.

[SEAL] **CORDELL HULL,**  
*Secretary of State.*

[F. R. Doc. 37-3557; Filed, December 8, 1937; 10:01 a. m.]

## **TREASURY DEPARTMENT.**

### **Public Debt Service.**

[1937—Department Circular No. 571, Second Amendment]

#### **SALE OF UNITED STATES SAVINGS BONDS, SERIES C.**

DECEMBER 1, 1937.

United States Savings Bonds of Series C will continue on sale indefinitely after December 31, 1937, without interruption. Paragraph 13 of Department Circular No. 571, dated December 16, 1936, is hereby amended to read as follows:

"13. United States Savings Bonds of Series C, issued during the calendar year 1937, as evidenced by the issue date inscribed thereon at the time of issue, will form a separate series hereby designated Series C-1937, and those issued during the calendar year 1938, will similarly form a separate series designated Series C-1938. Savings bonds of Series A, issued during the calendar year 1935 are hereby designated Series A-1935, and those of Series B issued during the calendar year 1936 are hereby designated Series B-1936."

The right is reserved at any time to terminate the sale of savings bonds of Series C by notice given by the Secretary of the Treasury to the Postmaster General and to others concerned as designated sales agencies.

[SEAL] **HENRY MORGENTHAU, JR.,**  
*Secretary of the Treasury.*

[F. R. Doc. 37-3560; Filed, December 8, 1937; 12:38 p. m.]

## **DEPARTMENT OF THE INTERIOR.**

### **National Bituminous Coal Commission.**

[Order No. 111]

#### **AN ORDER PRESCRIBING RULES OF PROCEDURE UNDER SECTION 4, PART II, SUBSECTION (D), OF THE BITUMINOUS COAL ACT OF 1937**

Pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, and particularly Section 4, Part II, Subsection (d) of said Act, the National Bituminous Coal Commission, notwithstanding any other general rules of practice and procedure heretofore issued, has adopted and hereby orders that the following Rules of Practice and Procedure before the Commission be applicable to proceed-

ings under and pursuant to the provisions of Section 4, Part II, Subsection (d) of the Act.

1. When a petition, filed pursuant to the provisions of Section 4, Part II, Subsection (d) of the Act, is assigned for hearing:

(a) The Secretary of the Commission shall forthwith cause a copy of such petition to be placed on file and made available for inspection to interested parties at each of the Statistical Bureaus of the Commission, at the Office of each District Board, and at the office of the Secretary of the Commission:

(b) The Secretary of the Commission shall forthwith mail a copy of the notice of hearing to the petitioner, to each code member within the District in which the petitioner is a code member, and to the Consumers' Counsel; and shall cause a copy thereof to be filed and made available for inspection at each of the Statistical Bureaus of the Commission and at the office of each District Board; and shall cause a copy thereof to be published in the Federal Register, and if the petition directs a specific complaint against any other code member a copy of the notice of hearing shall be mailed by the Secretary to such code member.

2. Any interested party desiring to be heard at such hearing shall on or before the day preceding the date thereof file with the Commission a notice and request to that effect.

3. In any proceeding instituted by such petition, any minimum price or Marketing Rule and Regulation complained of, shall be presumed to have been established and prescribed in conformity with the provisions of the Act, and the burden of proof shall be upon the party so complaining.

4. Any application for a preliminary or temporary order, pending final disposition of the petition, may be made in such petition or by amendment thereto, in conformity with the provisions of Subsection (d) of Part II, Section 4, of the Act.

The Secretary of the Commission shall forthwith mail copies of this order to the Consumers' Counsel, to all code members within the several districts, and to the Secretaries of all District Boards; and shall cause to be published a copy of this order in the Federal Register.

By order of the Commission.

Dated this 7th day of December, 1937.

[SEAL] **F. WITCHER McCULLOUGH, Secretary.**

[F. R. Doc. 37-3559; Filed, December 8, 1937; 12:21 p. m.]

[Docket No. 75-FD]

### **IN THE MATTER OF DE BARDELEBEN COAL CORPORATION**

#### **NOTICE OF HEARING**

A petition having been filed with this Commission by De Bardeleben Coal Corporation, pursuant to Section 4-II (d) of the Bituminous Coal Act of 1937, alleging dissatisfaction with certain minimum prices of coals produced by it, and in competition with District No. 8, described in the Schedule of Minimum Prices for Coals of Code Members Produced within District Nos. 13 and 8, the above entitled proceeding is assigned for hearing on December 14, 1937, at 9:30 A. M. at the Hearing Room of the Commission at Washington, D. C., when opportunity will be afforded interested parties to be heard.

A copy of the aforesaid petition is on file and available for inspection by interested parties at the office of the Secretary of the Commission; at each of the Statistical Bureaus of the Commission; and at the office of each District Board, as provided by Commission's Order No. 111.

By the Commission, December 8, 1937.

[SEAL] **F. W. McCULLOUGH, Secretary.**

[F. R. Doc. 37-3571; Filed, December 8, 1937; 1:33 p. m.]

[Docket No. 76-FD]

## IN THE MATTER OF DURHAM LAND COMPANY

## NOTICE OF HEARING

A petition having been filed with this Commission by Durham Land Company, pursuant to Section 4-11 (d) of the Bituminous Coal Act of 1937, alleging dissatisfaction with certain minimum prices of coals produced by it and in competition with District No. 8, described in the Schedule of Minimum Prices for Coals of Code Members Produced within District Nos. 13 and 8 the above entitled proceeding is assigned for hearing on December 14, 1937, at 9:30 A. M. at the Hearing Room of the Commission at Washington, D. C. when opportunity will be afforded interested parties to be heard.

A copy of the aforesaid petition is on file and available for inspection by interested parties at the office of the Secretary of the Commission; at each of the Statistical Bureaus of the Commission; and at the office of each District Board, as provided by Commission's Order No. 111.

By the Commission, December 8, 1937.

[SEAL] F. W. McCULLOUGH, *Secretary*.

[F. R. Doc. 37-3572; Filed, December 8, 1937; 1:33 p. m.]

[Docket No. 77-FD]

## IN THE MATTER OF STITH COAL COMPANY

## NOTICE OF HEARING

A petition having been filed with this Commission by Stith Coal Company, pursuant to Section 4-II (d) of the Bituminous Coal Act of 1937, alleging dissatisfaction with certain minimum prices of coals produced by it, described in the Schedule of Minimum Prices for Coals of Code Members Produced within District No. 8, the above entitled proceeding is assigned for hearing on December 14, 1937, at 9:30 A. M. at the Hearing Room of the Commission at Washington, D. C., when opportunity will be afforded interested parties to be heard.

A copy of the aforesaid petition is on file and available for inspection by interested parties at the office of the Secretary of the Commission; at each of the Statistical Bureaus of the Commission; and at the office of each District Board, as provided by Commission's Order No. 111.

By the Commission, December 8, 1937.

[SEAL] F. W. McCULLOUGH, *Secretary*.

[F. R. Doc. 37-3573; Filed, December 8, 1937; 1:34 p. m.]

[Docket No. 78-FD]

## IN THE MATTER OF ALABAMA BY-PRODUCTS CORPORATION

## NOTICE OF HEARING

A petition having been filed with this Commission by Alabama By-Products Corporation, pursuant to Section 4-II (d) of the Bituminous Coal Act of 1937, alleging dissatisfaction with certain minimum prices of coals produced by it, in competition with District No. 8, described in the Schedules of Minimum Prices for Coals of Code Members Produced within District Nos. 13 and 8, the above entitled proceeding is assigned for hearing on December 14, 1937, at 9:30 A. M. at the Hearing Room of the Commission at Washington, D. C., when opportunity will be afforded interested parties to be heard.

A copy of the aforesaid petition is on file and available for inspection by interested parties at the office of the Secretary of the Commission; at each of the Statistical Bureaus of the Commission; and at the office of each District Board, as provided by Commission's Order No. 111.

By the Commission, December 8, 1937.

[SEAL] F. W. McCULLOUGH, *Secretary*.

[F. R. Doc. 37-3574; Filed, December 8, 1937; 1:34 p. m.]

[Docket No. 79-FD]

## IN THE MATTER OF ALABAMA BY-PRODUCTS CORPORATION

## NOTICE OF HEARING

A petition having been filed with this Commission by Alabama By-Products Corporation, pursuant to Section 4-II (d) of the Bituminous Coal Act of 1937, alleging dissatisfaction with certain minimum prices of coals produced by it, described in the Schedule of Minimum Prices for Coals of Code Members Produced within District No. 13, the above entitled proceeding is assigned for hearing on December 14, 1937, at 9:30 A. M. at the Hearing Room of the Commission at Washington, D. C., when opportunity will be afforded interested parties to be heard.

A copy of the aforesaid petition is on file and available for inspection by interested parties at the office of the Secretary of the Commission; at each of the Statistical Bureaus of the Commission; and at the office of each District Board, as provided by Commission's Order No. 111.

By the Commission, December 8, 1937.

[SEAL] F. W. McCULLOUGH, *Secretary*.

[F. R. Doc. 37-3575; Filed, December 8, 1937; 1:34 p. m.]

[Docket No. 80-FD]

## IN THE MATTER OF TENNESSEE CONSOLIDATION COAL COMPANY, SEWANEE FUEL &amp; IRON COMPANY, WHITWELL SMOKELESS FUEL COMPANY

## NOTICE OF HEARING

A petition having been filed with this Commission by Tennessee Consolidation Coal Company, Sewanee Fuel and Iron Company and Whitewell Smokeless Fuel Company, pursuant to Section 4-II (d) of the Bituminous Coal Act of 1937, alleging dissatisfaction with certain minimum prices of coals produced by them and in competition with District No. 8, described in the Schedule of Minimum Prices for Coals of Code Members Produced within District Nos. 13 and 8, the above entitled proceeding is assigned for hearing on December 14, 1937, at 9:30 A. M. at the Hearing Room of the Commission at Washington, D. C., when opportunity will be afforded interested parties to be heard.

A copy of the aforesaid petition is on file and available for inspection by interested parties at the office of the Secretary of the Commission; at each of the statistical Bureaus of the Commission; and at the office of each District Board, as provided by Commission's Order No. 111.

By the Commission, December 8, 1937.

[SEAL] F. W. McCULLOUGH, *Secretary*.

[F. R. Doc. 37-3576; Filed, December 8, 1937; 1:34 p. m.]

[Docket No. 81-FD]

## IN THE MATTER OF NEWCASTLE COAL COMPANY

## NOTICE OF HEARING

A petition having been filed with this Commission by Newcastle Coal Company, pursuant to Section 4-II (d) of the Bituminous Coal Act of 1937, alleging dissatisfaction with certain minimum prices of coals produced by it and in competition with District #8, described in the Schedule of Minimum Prices for Coals of Code Members Produced within District No. 13, the above entitled proceeding is assigned for hearing on December 14, 1937, at 9:30 A. M. at the Hearing Room of the Commission at Washington, D. C., when opportunity will be afforded interested parties to be heard.

A copy of the aforesaid petition is on file and available for inspection by interested parties at the office of the Secretary of the Commission; at each of the Statistical Bureaus of the Commission; and at the office of each District Board, as provided by Commission's Order No. 111.

By the Commission, December 8, 1937.

[SEAL] F. W. McCULLOUGH, *Secretary*.

[F. R. Doc. 37-3577; Filed, December 8, 1937; 1:35 p. m.]

## DEPARTMENT OF AGRICULTURE.

## Agricultural Adjustment Administration.

## 1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

DETERMINATION OF PRACTICES WHICH TEND TO DEFEAT THE PURPOSES OF THE 1937 AGRICULTURAL CONSERVATION PROGRAM, PURSUANT TO SECTION THREE, PART VI OF WESTERN REGION BULLETINS 101, AS AMENDED

Whereas Section 3, Part VI of Western Region Bulletins 101, as amended, provides that the Secretary may determine whether any practice adopted by a person participating in the 1937 Agricultural Conservation Program tended to defeat any of the purposes of the 1937 Program, and

Whereas in areas subject to wind or water erosion in the Western Region, certain persons who wish to participate in the benefits of the 1937 Agricultural Conservation Program in the Western Region have failed to perform necessary wind erosion control practices or otherwise attempt to control the soil blowing or other form of damage to the productivity of the land in one or more farms owned or operated by them or in one or more adjacent or nearby farms:

Now, Therefore, I, H. A. Wallace, Secretary of Agriculture, do hereby determine (1) that, subject to the conditions hereinafter set forth, failure to perform necessary erosion control practices or otherwise attempt to control the soil blowing or other form of damage to the productivity of the land in the farm or in one or more nearby or adjacent farms shall constitute a practice, within the meaning of Section 3, Part VI of Western Region Bulletin 101, as amended, which tends to defeat the purposes of the 1937 Agricultural Conservation Program, (2) that, where any person owns or operates more than one farm in a county and the county committee determines that, notwithstanding failure on the part of such person to attempt to control the wind or water erosion or other damage to the productivity of the land in one or more farms owned or operated by such person in the county, taking into account the effect that such erosion or damage has upon the land in nearby or adjacent farms, the performance on all farms owned or operated by such person in the county tends in the aggregate to effectuate the purposes of the 1937 Agricultural Conservation Program from the standpoint of soil conservation accomplished, such person shall be entitled to receive his share of any payments which otherwise could be made: *Provided, however,* That no payments shall be made with respect to those farms upon which such person has failed to perform erosion control practices or otherwise attempt to control the soil blowing or other damage to the productivity of the land.

Done at Washington, D. C., this 8th day of December 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 37-3561; Filed, December 8, 1937; 12:42 p. m.]

## Bureau of Animal Industry.

[Amendment 14 to Declaration No. 12]

## DECLARING NAMES OF COUNTRIES PLACED IN MODIFIED TUBERCULOSIS-FREE ACCREDITED AREAS

DECEMBER 1, 1937.

In accordance with Section 2 of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936, the following named counties in States named are hereby declared "Modified Accredited Areas" until the date given opposite each county named.

California: Colusa, December 1, 1940; Contra Costa, December 1, 1940; Glenn, December 1, 1940; Inyo, December 1, 1940; Mono, December 1, 1940; Napa, December 1, 1940; Placer, December 1, 1940; San Diego, December 1, 1940; San Francisco, December 1, 1940; Santa Barbara, December 1, 1940.

South Dakota: Davison, December 1, 1940; Douglas, December 1, 1940; Kingsbury, December 1, 1940.

In accordance with Section 2 of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936, the following named counties in the States named having completed the necessary retests for reaccreditation, are hereby continued in the status of "Modified Accredited Areas" until the date given opposite each county named.

Colorado: Archuleta, December 1, 1940; Park, December 1, 1940; Routt, December 1, 1940; Summit, December 1, 1940.

Florida: Flagler, December 1, 1940.

Idaho: Lewis, December 1, 1940.

Illinois: Massac, December 1, 1943; Pulaski, December 1, 1943.

Kansas: Miami, December 1, 1940.

Kentucky: Jackson, December 1, 1940.

Maryland: Queen Anne, December 1, 1940.

Michigan: Antrim, December 1, 1940; Kalkaska, December 1, 1940.

Minnesota: Aitkin, December 1, 1943; Jackson, December 1, 1943; Martin, December 1, 1943; Ottertail, December 1, 1943; Sibley, December 1, 1943; Lyon, December 1, 1940; Murray, December 1, 1940; Nobles, December 1, 1940; Rock, December 1, 1940.

Mississippi: Yazoo, December 1, 1940.

Missouri: Barton, December 1, 1940; Clinton, December 1, 1940; Johnson, December 1, 1940.

Montana: Prairie, December 1, 1940.

Nebraska: Polk, December 1, 1940.

North Carolina: Henderson, December 1, 1940; Rutherford, December 1, 1940; Transylvania, December 1, 1940; Yancey, December 1, 1940.

North Dakota: Traill, December 1, 1943.

Ohio: Wood, December 1, 1940.

Tennessee: Decatur, December 1, 1940; Grainger, December 1, 1940.

Texas: Archer, December 1, 1940; Baylor, December 1, 1940; Brown, December 1, 1940; Caldwell, December 1, 1940; Cooke, December 1, 1940; Gray, December 1, 1940; Howard, December 1, 1940; Irion, December 1, 1940; Lampasas, December 1, 1940; Mitchell, December 1, 1940; Parmer, December 1, 1940; Rockwall, December 1, 1940; Schleicher, December 1, 1940; Sutton, December 1, 1940.

Virginia: Clarke, December 1, 1940; Dickenson, December 1, 1940.

West Virginia: Gilmer, December 1, 1940.

Declaration No. 12, dated October 1, 1936, as amended, is hereby further amended accordingly.

[SEAL]

W. M. MACKELLAR,  
Acting Chief of Bureau.

[F. R. Doc. 37-3563; Filed, December 8, 1937; 12:42 p. m.]

## Bureau of Biological Survey.

## ORDER PERMITTING TRAPPING ON THE UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

Pursuant to Section (a) of Regulation 1-A and to Regulation 2-A of the Regulations for the Administration of the Upper Mississippi River Wild Life and Fish Refuge, public trapping of muskrats and minks under permits of the Superintendent of said Refuge, in the States of Wisconsin and Iowa, in accordance with the laws of said States, and in accordance with the regulations governing the said Refuge, as well as with the restrictions and conditions hereinafter provided, is hereby permitted within said Refuge in the States named, except on the areas specifically scheduled below; between November 20 to December 15, 1937, both dates inclusive:

WISCONSIN

Buffalo County

Area Number 1.—All of the lands and waters lying and being in Sections 1, 2, 3, 4, 10, 11, 12, 13, Township 22 N,

Range 14 W., 4th P. M., and Sections 33, 34, 35, 36, Township 23 N., Range 14 W., 4th P. M., which are enclosed by the following definite boundaries: Beginning at the point of intersection of the Wabasha-Nelson road with the tracks of the Chicago, Burlington and Quincy Railroad in the NW¼, Section 6, Township 22 N., Range 13 W.; thence southwesterly along the said road to the Mississippi River in the NW¼ of Section 13, Township 22 N., Range 14 W.; thence northwesterly along the Mississippi River to the Chippewa River; thence northerly along the Chippewa River to the Chicago, Burlington and Quincy Railroad tracks in the SE¼ of Section 33, Township 23 N., Range 14 W.; thence southeasterly along the said railroad tracks to the point of beginning; excepting therefrom the following described lands: S½ of NE¼, W½ of SE¼, Section 1; SW¼NW¼, N½ of SW¼, Section 2, Township 22 N., Range 14 W., 4th P. M., NW¼SW¼, Section 34, Township 23 N., Range 14 W.

#### Vernon County

**Area Number 2.**—E½NE¼ and Lots 1, 2, and 3, Section 29, and Lot 5, Section 32, all in Township 14 N., Range 7 W., 4th P. M.; Lot 7, Section 32, Township 14 N., Range 7 W., 4th P. M., excepting therefrom a narrow strip of land along the east side described as follows: Beginning at a point on the north line of said Lot 7, 4.00 chains west of the west bank of the Mississippi River, a 3" x 3" x 36" Willow Post above ground scribed U. S. Cor. 1; thence east on said north line of Lot 7, 2.78 chains to a ¾" x 18" Galvanized Iron Pipe above ground, placed on a high ridge; thence still east 1.22 chains to Corner 2, a 5" x 5" x 30" Maple Post above ground scribed R. U. Cor. 2 on west bank of Mississippi River; thence S 21° 48' E, with the west bank of Mississippi River, 21.54 chains to Corner 3, a 4" x 4" x 24" Willow Post above ground scribed R. U. Cor. 3, being the southeast corner of said Lot 7; thence west with the south line of said Lot 7, 4.00 chains to Corner 4, a ¾" x 18" Galvanized Iron Pipe above ground; thence N 21° 48' W, parallel with the west bank of Mississippi River, 21.54 chains to Corner 1, the Place of BEGINNING, this exception containing 8.00 acres, more or less.

#### Crawford County

**Area Number 3.**—Lots 7, 8, and 9, Section 35, Township 10 N., Range 6 W., 4th P. M.

**Area Number 4.**—Lot 11, Section 2; Lot 1, Section 3, Township 9 N., Range 6 W.; Lot 10, Section 34; Lot 5, Section 25, Township 10 N., Range 6 W.; SE¼, Section 3; N½NE¼, Section 10, Township 10 N., Range 7 W., 4th P. M.

**Area Number 5.**—All of the lands and waters lying in Townships 6 and 7 N., Range 7 W., which are enclosed by the following definite boundaries: Starting at the point where the north line of Section 35, Township 7 N., Range 7 W., intersects the westerly bank of East Channel, thence along East Channel in a northwesterly direction to the point where the easterly boundary of Lot 4, Section 26, Township 7 N., Range 7 W. is intersected by the southerly boundary of the right of way of the toll bridge highway operated by the Prairie du Chien Bridge Company, thence along the southeasterly boundary of said highway right of way in a southwesterly direction across Lots 4 and 5, Section 26, Township 7 N., Range 7 W., to the point where said southerly boundary of said right of way intersects the westerly boundary of said Lot 5, thence in a southerly direction along the westerly boundaries of said Lot 5, of Lots 3, 4, 5 and 6 of Section 35, Township 7 N., Range 7 W., and of Lot 1, Section 2, Township 6 N., Range 7 W., to the extreme southerly point of said Lot 1, thence in an easterly direction to the extreme southerly point of Lot 3 of said Section 2, thence along East Channel in a northeasterly direction where it forms the southeasterly boundaries of Lot 3 of said Section 2, and Lot 2, Section 1, Township 6 N., Range 7 W., and the easterly and northeasterly boundaries of Lots 3 and 4, Section 36, Lot 9, Section 35, and Lot 4, Section 26, Township 7 N., Range 7 W., to the place of BEGINNING.

#### Grant County

**Area Number 6.**—Lots 7, 8, Section 6; N½NW¼, N½NE¼, SE¼NE¼, Section 7, Township 2 N., Range 3 W., and Lot 4, Section 1; Lot 8, Section 12, Township 2 N., Range 4 W., all in the 4th P. M.

#### IOWA

#### Allamakee County

**Area Number 7.**—All of the lands and waters lying in Township 100 N., Ranges 3 and 4 W., 5th P. M., which are enclosed by the following definite boundaries: Starting at the point where the north boundary line of the State of Iowa intersects the westerly bank of the Mississippi River, thence west along the northerly boundary of the State of Iowa to the point where the said northerly boundary of the State of Iowa intersects Minnesota Slough in Lot 2, Section 6, Township 100 N., Range 3 W., 5th P. M.; thence following said Minnesota Slough in southeasterly and southerly directions through Sections 6, 7 and 18, Township 100 N., Range 3 W., to the point where the south line of Lot 2, Section 18, Township 100 N., Range 3 W. intersects the easterly bank of said Minnesota Slough; thence east along said south line to the southeast corner of said Lot 2; thence south along the west line of Lot 1 of said Section 18 to a slough sometimes referred to as Ferry Slough, thence northeasterly and southeasterly along said Ferry Slough where the same forms the southerly boundaries of said Lot 1, Section 18 and Lots 3, 5 and 6, Section 17 to the junction of said slough with the Mississippi River; thence northerly and northwesterly along the Mississippi River where it forms the easterly boundaries of fractional Sections 17, 8 and 5, Township 100 N., Range 3 W., to the place of beginning.

#### Jackson County

**Area Number 8.**—All of the lands and waters in Township 85 N., Range 5 E., 5th P. M. which are described as follows: That part of the E½NW¼ of Section 10 and that part of the E½ of Section 10 which lie northerly and easterly of the right of way of the C. M. St. P. R. R. as it is at present maintained and operated; the N½ of Section 11 and the N½SW¼ of Section 11; and the W½NW¼, SE¼NW¼, NW¼SE¼, and Lots 1 and 2 of Section 12.

**Area Number 9.**—All of the lands and waters lying in Township 85 N., Range 6 E., 5th P. M., locally known as Railroad Island, and described as follows: Lots 1 and 2, Section 15; Lots 1, 2, and 3 and NE¼NE¼, Section 22; Lots 1, 2, 3, 4 and 5, SW¼NW¼, NW¼SW¼, E½SW¼, and W½SE¼, Section 23; Fractional Section 24, Lots 1 and 2, Section 25; Lots 1, 2, and 3, Section 26.

#### PERMITS—RESTRICTIONS ON TRAPPING, ETC.

Permits for the public trapping of muskrats and minks herein authorized, may be issued without charge by the Superintendent of the Upper Mississippi River Wild Life and Fish Refuge to any qualified person. The issuance of such permits and the privileges conferred thereby shall be further subject to the following restrictions:

1. In the issuance of permits hereunder, preference will be given to persons who have been bona fide residents for a period of six months last past within or near the Refuge.
2. Not more than one permit will be issued to the same individual.

3. Before any permit may be issued, the applicant shall exhibit to the said Superintendent or his representative a valid trapping license from the State in which such trapping is to be conducted, and the applicant shall, in his application for permit, make a sworn statement as to his period of residence in the civil township, village, or city in which he claims such residence.

4. Permits will be valid and authorize public trapping only on the dates specified in the permit.

5. Muskrats and minks may be taken on the Refuge only with traps for capturing the animals alive, or with ordinary spring steel or other traps the use of which is approved by the Superintendent or his authorized representative. The

possession or use within the boundaries of the Refuge of a muskrat spear, or of any similar device by means of which muskrats may be speared, or of any trap or device that does not comply with the requirements of these regulations is prohibited. Prohibited traps and devices found on the Refuge, if not removed therefrom by the owner thereof upon the direction of the Superintendent, will be seized by the Superintendent or his representative.

6. No person shall hunt muskrats or minks with a gun or the aid of a dog, disturb or molest any mink den or disturb or molest any muskrat house, or muskrat feeding house.

7. To run a trap line or to visit traps between sunset and one-half hour before sunrise is prohibited, but each permittee shall visit and inspect each of his traps within the Refuge at least once each day, and at the close of the trapping season each trap shall be taken up and removed from the Refuge.

8. Birds and mammals, other than muskrats and minks, found alive in such traps shall be immediately liberated. Birds or mammals, other than muskrats and minks, found dead or mortally injured, shall be immediately turned over to the Superintendent or his representative.

9. Trappers may not cut any growth on the Refuge except willows for use as trap stakes or drags.

10. Whenever it shall appear advisable for the proper administration of the Refuge, the Superintendent may, in his discretion, terminate trapping on the entire Refuge or any portion thereof, within three days after giving notice to that effect. Thereupon all outstanding permits for trapping muskrats and minks on the area or areas affected shall become null and void.

11. Each permittee not later than December 31, 1937, shall submit to the Superintendent of the Upper Mississippi River Wild Life and Fish Refuge, Winona, Minnesota, a report correctly stating the total number of muskrats and/or minks taken on the Refuge under the permit during the season, together with the name and address of each person or firm to whom such pelts thereof were disposed of and the number disposed of to each such person or firm.

Failure of a permittee to comply with any of the above provisions, or the violation by him of any of the regulations issued under authority of the Act of June 7, 1924 (43 Stat. 650), establishing said Refuge, or of any State laws or regulations applicable to trapping on said Refuge, shall not only render the offender subject to prosecution under said laws or regulations, but shall be sufficient ground for refusal of a permit to such offender during the Federal muskrat and/or mink trapping season next following on said Refuge, or of any other use or privilege on the Refuge for which a permit may be required by regulations.

This Order shall become effective on December 7, 1937.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

Dated, December 7, 1937.

[F. R. Doc. 37-3562; Filed, December 8, 1937; 12:42 p. m.]

#### Farm Security Administration.

[Administrative Order 176, Supplement 3<sup>1</sup>]

#### TEMPORARY GRAZING AGREEMENTS, TEMPORARY CROPPING AGREEMENTS, AND TEMPORARY BUILDING OCCUPANCY AGREEMENTS

1. Effective immediately, regional directors are hereby authorized to exercise all powers (which are exercisable either by the terms of the Agreements themselves or by operation of law) to revoke, modify, or alter Temporary Grazing Agreements, Temporary Cropping Agreements, and Temporary Building Occupancy Agreements for land or buildings acquired in connection with rural resettlement type projects

under their jurisdictions. This authority may not be re-delegated.

2. When it is found necessary to modify standard FSA forms, approved for use in the making of these Agreements for rural resettlement type projects, regional directors will obtain the approval of the Solicitor through the regional attorney.

[SEAL]

WILL W. ALEXANDER, Administrator.

Approved, December 7, 1937.

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 37-3564; Filed, December 8, 1937; 12:42 p. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

##### SECURITIES ACT OF 1933

##### AMENDMENTS TO RULES 830 AND 835

The Securities and Exchange Commission has amended Rules 830 and 835 of the General Rules and Regulations under the Securities Act. These rules relate to material required in prospectuses for securities registered on Forms A-1 and E-1. The amendment provides that the financial statements of issuers engaged primarily in the business of investing or trading in securities, required to be furnished in the prospectus, be supplemented by information with respect to security holdings, including, among other things, the cost, ledger value and market value. The text of the Commission's action follows:

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly subsections (2), (3) and (4) of Section 10 (b) and Section 19 (a) of the Act, and finding that the requirements as hereinbelow amended regarding information to be contained in prospectuses for the classes of securities and issuers to which such requirements are applicable are necessary and appropriate in the public interest and for the protection of investors, and that the statements made in registration statements which are permitted under the requirements as hereinbelow amended to be omitted from prospectuses are not necessary or appropriate in the public interest or for the protection of investors for the class of prospectuses and issuers to which such requirements are applicable, hereby amends Rules 830 and 835 as follows:

1. Rule 830 is hereby amended by changing the phrase "all supporting schedules to balance sheets and profit and loss statements" to read as follows:

"all supporting schedules to financial statements, except that if such statements are for a person engaged, directly or through subsidiaries, primarily in the business of investing and reinvesting or trading in securities for revenue and profit, and not for the purpose or with the effect of exercising control, the schedules called for by instructions 6 and 11 pertaining to balance sheets shall be included in the prospectus;"

The text of Rule 830, as amended, reads as follows:

"In the case of a security registered on form A-1, information in respect of the following, contained in the registration statement, may be omitted from any prospectus: Items 9; 17; 18; 23, except as to the issue or issues for which the registration statement is filed; 28; 29, except information as of a date within twenty days concerning persons owning more than 10 percent of any class of voting stock of the issuer; 31, except as to principal underwriters; 36; 37; 38; 46; 48; 49; 52, except that the number of subsidiaries and affiliates shall be stated; all supporting schedules to financial statements, except that if such statements are for a person engaged, directly or through subsidiaries, primarily in the business of investing and reinvesting or trading in securities for revenue and profit, and not for the purpose or with the effect of exercising control, the schedules called for by instructions 6 and 11 pertaining to balance sheets shall be included in the prospectus; all financial statements

<sup>1</sup> Modifies paragraphs 2, 3, and 4 of AO 176 (Suppl. 1) (Rev. 1), 7/6/37.

and schedules of any unconsolidated subsidiary the total assets of which, as shown by its latest balance sheet filed with the registration statement, amount to less than 15 percent of the total assets of the registrant and its consolidated subsidiaries as shown by the latest consolidated balance sheet filed with the registration statement; and all exhibits."

2. Rule 835 is amended by adding, in subparagraph (a) (5), immediately following the words "all supplemental schedules" and before the semicolon, a comma and the following:

"except that if the financial statements are for a person engaged, directly or through subsidiaries, primarily in the business of investing and reinvesting or trading in securities for revenue and profit, and not for the purpose or with the effect of exercising control, the schedules called for by instructions Nos. 3 and 7 of financial statement instructions set No. 1 shall be included in the prospectus;"

The text of subparagraph (a) (5) of Rule 835, as amended, reads as follows:

"(5) Exhibits A to K, inclusive; the supplementary, earlier balance sheets required under exhibits L, N, P, R, T, and W; exhibits M, O, Q, U, and X, including all statements of predecessors who are such under paragraph (2) of definition number 19 in the form (except the most recent profit-and-loss statement of the predecessor most recently owner of each item or group of property), but excepting the profit-and-loss statements for the latest fiscal year and any subsequent period of the registrant, all guarantors, and all predecessors who are such under paragraph (1) of definition number 19 in the form; the unconsolidated financial statements of the registrant and the financial statements of subsidiaries required under exhibit V; all supplemental schedules, except that if the financial statements are for a person engaged, directly or through subsidiaries, primarily in the business of investing and reinvesting or trading in securities for revenue and profit, and not for the purpose or with the effect of exercising control, the schedules called for by instructions Nos. 3 and 7 of financial statement instructions set No. 1 shall be included in the prospectus; any schedules or statements submitted in lieu of any of the balance sheets or profit-and-loss statements which may be omitted from the prospectus under this rule."

The foregoing action shall be effective January 3, 1938.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3568; Filed, December 8, 1937; 12:47 p. m.]

#### SECURITIES ACT OF 1933

##### AMENDMENT NO. 31 TO FORM A-2

The Securities and Exchange Commission has amended the Instructions for Form A-2 with respect to the prospectus. The amendment requires that there be included in the prospectus with respect to persons engaged primarily in the business of investing or trading in securities, a schedule showing the complete list of securities held in the portfolio, the market value of each such security, and the amount at which carried in the balance sheet.

The text of the Commission's action follows:

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly subsections (2), (3) and (4) of Section 10-(b)-and-Section 19 (a)-of the Act, and finding that the requirements as hereinbelow amended regarding information to be contained in prospectuses for the classes of securities and issuers to which such requirements are applicable are necessary and appropriate in the public interest and for the protection of investors, and that the statements made in registration statements which are permitted under the requirements as hereinbelow amended to be omitted from prospectuses are not necessary or appropriate in the

public interest or for the protection of investors for the class of prospectuses and issuers to which such requirements are applicable, hereby amends the Instruction Book for Form A-2 as follows:

In paragraph 6 (f) under the heading "Instructions as to Prospectuses Other than Newspaper Prospectuses", the word "and" at the end of subparagraph (2) is stricken; at the end of subparagraph (3) there is inserted, in lieu of the period, a semicolon and the word "and"; and immediately following subparagraph (3) a new subparagraph is added as follows:

"(4) Schedule IA if the registrant is engaged, directly or through subsidiaries, primarily in the business of investing and reinvesting or trading in securities for revenue and profit, and not for the purpose or with the effect of exercising control."

Paragraph 6 (f) as amended reads as follows:

"(f) All schedules to the respective financial statements other than:

"(1) Schedule VII, which schedule, however, may be expressed in condensed or summarized form if containing numerous items;

"(2) The information required by Columns B and C of Items 1, 2 and 5 of Schedule VIII, and that required by footnote (2) of Schedule VIII, which information shall be set forth by an apposite note to the respective Profit and Loss Statement;

"(3) The information required by Note (1) (c) of Schedule III and Note (1) (b) of Schedule V; and

"(4) Schedule IA if the registrant is engaged, directly or through subsidiaries, primarily in the business of investing and reinvesting or trading in securities for revenue and profit, and not for the purpose or with the effect of exercising control."

The foregoing action shall be effective January 3, 1938.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3569; Filed, December 8, 1937; 12:47 p. m.]

#### SECURITIES ACT OF 1933

##### AMENDMENT TO FORM C-1

The Securities and Exchange Commission has amended Form C-1. The amendment clarifies the requirement calling for the cost of portfolio securities so as clearly to require the cost of each issue to be given.

The text of the Commission's action follows:

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly Sections 7 and 19 (a) thereof, and deeming that such information or documents as Form C-1, as hereby amended, requires to be set forth, but which are not specified in Schedule A of the Securities Act of 1933, are necessary and appropriate in the public interest and for the protection of investors, and that adoption of this amendment is necessary to carry out the provisions of said Act, hereby amends Form C-1 as follows:

By adding to Note 1 of Exhibit O, immediately following the words "each company", the following, "the cost thereof,"

Note 1 of Exhibit O as amended reads as follows:

"Furnish also a complete list of the companies whose securities compose the trust property, showing the number and kind of the securities of each company, the cost thereof, and the market price as of the date of the balance sheet."

The foregoing action shall be effective January 3, 1938.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3570; Filed, December 8, 1937; 12:47 p. m.]

*United States of America—Before the Securities  
and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of December, A. D. 1937.

[File Nos. 32-75, 46-82, 46-83]

**IN THE MATTER OF KEOKUK ELECTRIC COMPANY, DALLAS CITY  
LIGHT COMPANY, FORT MADISON ELECTRIC COMPANY**

**NOTICE OF AND ORDER FOR HEARING**

An application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by Keokuk Electric Company, a subsidiary of The North American Company, which is a registered holding company, for exemption of the issuance of its no par value common stock in an aggregate amount equal, at an issue price of \$45 per share, to the book value of the property and assets (less liabilities to be assumed) of Fort Madison Electric Company and Dallas City Light Company, which said Keokuk Electric Company proposes to acquire; Fort Madison Electric Company and Dallas City Light Company, affiliate companies of Keokuk Electric Company, having filed applications, pursuant to Section 10 of said Act, for approval of the acquisition by each of said no par common stock, to be issued by Keokuk Electric Company, in aggregate amounts equal, at an issue price of \$45 per share, to the property and assets (less liabilities to be assumed) of each company to be acquired by said Keokuk Electric Company; all of the applicants being subsidiaries of Central Mississippi Valley Electric Properties which in turn is a subsidiary of Union Electric Company of Missouri; and said applications having been filed as a part of a plan of reorganization and liquidation by which Dallas City Light Company and Fort Madison Electric Company, upon transfer of their assets to said Keokuk Electric Company, will be liquidated and dissolved and will distribute the stock of said Keokuk Electric Company, to be received by them in exchange for their assets, to Central Mississippi Valley Electric Properties, which company thereupon will be liquidated and dissolved and will distribute such stock to Union Electric Company of Missouri;

*It is ordered*, That a hearing on such matter be held on December 22, 1937, at 2:00 o'clock in the afternoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held.

*It is further ordered*, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer. Upon the completion of the taking of testimony in this matter, the presiding officer is directed to make his report to the Commission.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 18, 1937.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3565; Filed, December 8, 1937; 12:46 p. m.]

*United States of America—Before the Securities  
and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of December, A. D., 1937.

[File No. 43-89]

**IN THE MATTER OF NEBRASKA NATURAL GAS COMPANY**

**ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE**

Nebraska Natural Gas Company, a subsidiary of North American Light & Power Company, a registered holding company, having filed with this Commission a declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935 regarding the issue and sale of (a) 6,700 shares of its Common Stock having a par value of \$100 per share and (b) its 6% ten-year Promissory Note in the principal amount of \$850,000; a hearing on said declaration, as amended, having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein:

*It is ordered*, That said declaration be and become effective subject to and in accordance with the terms and conditions and for the purposes represented by said declaration as soon as but not until all action required by all laws of the State of Nebraska or otherwise shall have been taken to make effective the amendment of the declarant's Articles of Incorporation authorizing changes in its capital structure and authorized capital stocks in accordance with the terms and for the purposes represented by said declaration.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3566; Filed, December 8, 1937; 12:46 p. m.]

*United States of America—Before the Securities  
and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of December, A. D., 1937.

[File No. 51-7]

**IN THE MATTER OF NEBRASKA NATURAL GAS COMPANY**  
**ORDER PURSUANT TO RULE 12C-2 ADOPTED UNDER SECTION 12  
OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935**

Nebraska Natural Gas Company, a subsidiary of North American Light & Power Company, a registered holding company, having filed with this Commission an application pursuant to Rule 12C-2 for approval of the declaration and payment of dividends on its common stock out of capital or unearned surplus to the extent of a portion of its net income subsequent to January 1, 1937 as set forth in said application; a hearing on said application having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein:

*It is ordered*, That the declaration and payment by the applicant of such dividends be and the same hereby is approved, subject to the following conditions:

That the declaration and payment of dividends pursuant to this order shall be made in substantial compliance with and for the purposes represented by said application and in accordance with the laws of the State of Nebraska.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3567; Filed, December 8, 1937; 12:46 p. m.]

**Friday, December 10, 1937**

**No. 239**

**PRESIDENT OF THE UNITED STATES.**

**CHATTAHOOCHEE NATIONAL FOREST—GEORGIA**

By the President of The United States of America

**A PROCLAMATION**

WHEREAS it appears that certain lands within the State of Georgia, acquired by the United States, under the authority of the National Industrial Recovery Act, approved July 16, 1933 (48 Stat. 195), and the Emergency Relief Appro-

